



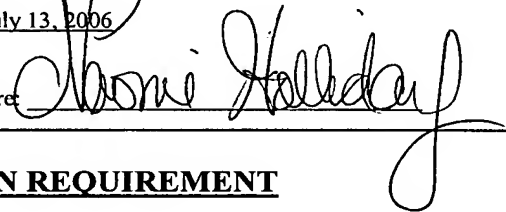
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: AMIR et al. Art Unit: 1626  
Serial No.: 10/735,029 Examiner: Ebenezer O. Sackey  
Filed: December 12, 2003  
For: NOVEL CRYSTALLINE FORMS OF GATIFLOXACIN AND  
PROCESSES FOR PREPARATION  
Docket No.: 1662/6040761

Address to:  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with sufficient postage with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: July 13, 2006

Signature: 


**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

In response to the communication from the Office mailed June 13, 2006, applicants hereby elect, without traverse, the claim of Group XII, claims 65-67 are, drawn to a method for making crystalline forms of gatifloxacin (CX), classified in class 544, subclass 363, for examination in the present application. Applicants expressly reserve the right to prosecute the subject matter of the non-elected claims in one or more continuation or divisional applications.

If, in the opinion of the Examiner, a telephone conference would advance the prosecution of the Application, the Examiner is invited to telephone the undersigned attorney.

Dated: July 13, 2006

By:   
Alan P. Force  
(Reg. No. 39,673)

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 908-6055 (Telephone-direct)  
(212) 425-5288 (Fax)

CUSTOMER NUMBER 26646



*HFU*

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

|   |                                  |                                |                  |
|---|----------------------------------|--------------------------------|------------------|
| <b>AMENDMENT TRANSMITTAL</b>  |                                  | Docket Number:<br>1662/6040761 |                  |
| Application Number<br>10/735,029  | Filing Date<br>December 12, 2003 | Examiner<br>Ebenezer O. Sackey | Art Unit<br>1626 |
| Invention Title<br><b>NOVEL CRYSTALLINE FORMS OF<br/>GATIFLOXACIN AND PROCESSES FOR<br/>PREPARATION</b> |                                  | Inventor(s)<br>Amir et al.     |                  |

Address to:  
Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: July 13, 2006

Signature: *Naomi Holliday*

Sir:

Transmitted herewith for filing is a response to the Office Action (Restriction Requirement) mailed June 13, 2006, for the above-identified application.

A one-month period was set for a response to this Office Action. A response was due by July 13, 2006. This response is therefore timely filed.

It is believed that no fees are due in connection with this response. However, should any fees be due, the Commissioner is authorized to charge the deposit account of **Kenyon & Kenyon LLP**, Deposit Account No. **11-0600** for such fees. A duplicate copy of this transmittal letter is enclosed for that purpose.

Dated: July 13, 2006

By: *Alan P. Force*  
Alan P. Force (Reg. No. 39,673)

KENYON & KENYON LLP  
One Broadway  
New York, N.Y. 10004  
(212) 425-7200 (telephone)  
(212) 425-5288 (facsimile)  
CUSTOMER NUMBER 26646